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FINANCING OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994

Report of the Fifth Committee

Rapporteur: Mr. Igor V. GOUMENNY (Ukraine)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1996, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-first session the item entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 39th, 41st and 46th meetings, on 11, 12 and 17 December 1996. Statements and observations made in the course of the discussion of the item are reflected in the relevant summary records (A/C.5/51/SR.39, 41 and 46).

3. For its consideration of the item, the Committee had before it the report of the Secretary-General on the financing of the International Criminal Tribunal for Rwanda (A/C.5/51/29 and Corr.1) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/51/7/Add.5).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/51/L.23

4. At the 46th meeting, on 17 December, the Chairman of the Committee introduced draft resolution A/C.5/51/L.23.

5. At the same meeting, the Committee adopted draft resolution A/C.5/51/L.23 without a vote (see para. 6).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Having considered the report of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling its resolution 50/213 C of 7 June 1996, by which it requested the Secretary-General to entrust the Office of Internal Oversight Services to undertake, without prejudice to its programme of work, an inspection of the International Tribunal for Rwanda, with a view to identifying problems and recommending measures to enhance the efficient utilization of resources, and to report thereon to the General Assembly at its fifty-first session,

Noting that the Secretary-General intends to submit revised 1997 budget proposals following finalization at the end of 1996 of the report of the Office of Internal Oversight Services,

1. Endorses the observations and recommendations of the report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution;

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[1] A/C.5/51/29 and Corr.1.

[2] A/51/7/Add.5.

2. Decides to appropriate to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 a total amount of 23,114,950 United States dollars gross (20,871,100 dollars net) for the period from 1 January to 30 June 1997;

3. Decides also that the appropriation for the period from 1 January to 30 June 1997 under the Special Account referred to in paragraph 2 above shall be financed according to the methodology established by the General Assembly in its resolution 49/251 of 20 July 1995, after taking into account the anticipated availability of an unencumbered balance of 12 million dollars for 1996, as detailed in the annex to the present resolution;

4. Decides further that Member States shall waive their respective shares in the remaining credits arising from previous budgets of the United Nations Assistance Mission for Rwanda in the amount of 5,557,475 dollars gross (4,435,550 dollars net), to be transferred to the Special Account for the International Tribunal for Rwanda from the Special Account established for the United Nations Assistance Mission for Rwanda;

5. Decides to apportion the amount of 5,557,475 dollars gross (4,435,550 dollars net) among Member States in accordance with the scale of assessments for the year 1997;

6. Decides also that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided in paragraph 5 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,121,925 dollars approved for the International Tribunal for Rwanda for the period from 1 January to 30 June 1997;

7. Decides further to revert to the consideration of the financing of the International Tribunal for Rwanda for the year 1997 at the first part of its resumed fifty-first session in 1997 on the basis of the revised budgetary estimates to be proposed by the Secretary-General and the report of the Office of Internal Oversight Services to be submitted to the General Assembly, which was requested with a view to identifying problems and recommending measures to enhance the efficient utilization of resources.

ANNEX

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

		Gross	Net
		(United States dollars)	
Initial appropriations for the period from 1 January to 30 June 1997		23 114 950	20 871 100
LESS:	Estimated 1996 unencumbered balance	(12 000 000)	(12 000 000)
BALANCE:	1 January-30 June 1997 (appropriation to be assessed for January-June)	11 114 950	8 871 100
	Of which: United Nations Assistance Mission for Rwanda[a]	5 557 475	4 435 550
	Assessed amounts[b]	5 557 475	4 435 550

[a] Refers to the credits arising from previous budgets of the United Nations Assistance Mission for Rwanda.

[b] Refers to the contributions assessed on Member States in accordance with the scale of assessments for the year 1997.